

AMENDED IN ASSEMBLY MAY 27, 1997

SENATE BILL

No. 212

Introduced by Senators Burton and Brulte
(Coauthor: Assembly Member Miller)

January 28, 1997

An act to amend and repeal Section 3209.3 of, *and to add Section 3209.9 to*, the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 212, as amended, Burton. Workers' compensation.

Existing law, until January 1, 1999, defines the term "physician" as including acupuncturists for purposes of treating injured employees entitled to workers' compensation medical benefits.

This bill would delete the repeal date and would make conforming changes. *The bill would also declare that the inclusion of acupuncturists in the above provision does not imply any right or entitle any acupuncturist to represent, advertise, or hold himself or herself out as a physician.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3209.3 of the Labor Code, as
2 amended by Section 1 of Chapter 26 of the Statutes of
3 1996, is amended to read:

1 3209.3. (a) “Physician” includes physicians and
2 surgeons holding an M.D. or D.O. degree, psychologists,
3 acupuncturists, optometrists, dentists, podiatrists, and
4 chiropractic practitioners licensed by California state law
5 and within the scope of their practice as defined by
6 California state law.

7 (b) “Psychologist” means a licensed psychologist with
8 a doctoral degree in psychology, or a doctoral degree
9 deemed equivalent for licensure by the Board of
10 Psychology pursuant to Section 2914 of the Business and
11 Professions Code, and who either has at least two years of
12 clinical experience in a recognized health setting, or has
13 met the standards of the National Register of the Health
14 Service Providers in Psychology.

15 (c) When treatment or evaluation for an injury is
16 provided by a psychologist, provision shall be made for
17 appropriate medical collaboration when requested by
18 the employer or the insurer.

19 (d) “Acupuncturist” means a person who holds an
20 acupuncturist’s certificate issued pursuant to Chapter 12
21 (commencing with Section 4925) of Division 2 of the
22 Business and Professions Code.

23 (e) Nothing in this section shall be construed to
24 authorize acupuncturists to determine disability for the
25 purposes of Article 3 (commencing with Section 4650) of
26 Chapter 2 of Part 2, or under Section 2708 of the
27 Unemployment Insurance Code.

28 SEC. 2. Section 3209.3 of the Labor Code, as amended
29 by Section 2 of Chapter 26 of the Statutes of 1996, is
30 repealed.

31 SEC. 3. Section 3209.9 is added to the Labor Code, to
32 read:

33 3209.9. *The inclusion of acupuncturists in Section*
34 *3209.3 does not imply any right or entitle any*
35 *acupuncturist to represent, advertise, or hold himself or*
36 *herself out as a physician.*